

April 22, 2005

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***Via Electronic Filing***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Ex Parte Notice**  
CC Docket No. 02-6  
Consolidated Requests for Review of Decisions of the Universal  
Service Administrator

Dear Ms. Dortch:

On April 21, 2005, Jennifer L. Kostyu and the undersigned of Morrison & Foerster LLP, on behalf of SEND Technologies, LLC ("SEND"), met with Lisa Gelb, Deputy Bureau Chief of the Wireline Competition Bureau ("Bureau"), Narda Jones, Division Chief of the Bureau's Telecommunications Access Policy Division ("TAPD"), and Vickie Robinson, Deputy Division Chief of the TAPD, regarding multiple Requests for Review that are pending in the above-referenced docket. A list of the pending Requests for Review is attached hereto.

The parties discussed an opinion rendered by the Louisiana Attorney General, which was previously submitted to the Commission, regarding whether Louisiana procurement law applies to the acquisition of certain Internet access services and internal connections requested by Louisiana schools. The interpretation of Louisiana law by the Universal Service Administrative Company ("USAC") is at odds with the interpretation by the Louisiana Attorney General. USAC's funding denials are appealed in the pending Requests for Review.

The parties also discussed the need for the Commission to quickly rule upon Requests for Review of funding denials for the 2002 and 2003 Funding Years based upon USAC's conclusion that certain "similarities" in the Form 470 E-rate applications of various Louisiana schools "suggest" or "indicate" to USAC that there might have been impermissible service provider involvement in the competitive bidding process. The similarities are benign

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and can be easily explained. Moreover, USAC neither discovered nor alleged any actual impermissible service provider involvement or any rule violations by the Louisiana schools after completing a rigorous two-year selective review process.

Time is of the essence in ruling upon the “similarities” issue because multiple funding requests for the 2004 Funding Year for various Louisiana schools are at risk of being denied based upon the same perceived similarities that are at issue in the pending 2002 and 2003 Requests for Review. Prompt action by the Commission to resolve the pending Requests for Review would forestall the needless expenditure of time and resources on the part of the Commission, USAC, the schools and SEND in litigating the same issue and the same facts multiple times. SEND’s representatives also discussed the information set forth in the attached Discussion Points.

Pursuant to Section 1.1206(b) of the Commission’s rules, an electronic copy of this letter is being filed with the office of the Secretary. If you have any questions regarding this notification, please contact the undersigned.

Very truly yours,

/s/ Jennifer L. Richter

Jennifer L. Richter  
*Counsel to SEND Technologies, LLC*

Attachments

cc: Lisa Gelb  
Narda Jones  
Vickie Robinson  
Lisa Zaina (USAC)  
Cynthia Schultz (USAC)